

## **REMARKS**

Reconsideration of the subject application in view of the above amendment is respectfully requested.

By the present amendment, Claim 1 has been amended to yet more clearly define the present invention, and Claims 2-3 and 19 have been amended to eliminate formal errors therein.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

### **I.      Objection to the Claims and Rejection of Claims Under 35 U.S.C. § 112**

The Examiner objected to Claim 19 for a formal error therein and rejected Claims 2-3 under 35 U.S. § 112, second paragraph, for allegedly being indefinite. It is respectfully submitted that the foregoing amendment of Claims 2-3 and 19 overcome the Examiner's objection to Claim 19 and the rejection of Claims 2-3 as being indefinite.

## **II. Rejection of Claims Over the Prior Art**

The Examiner rejected Claim(s) 1, 5, 6, 8, 13, 14 and 16-18, under 35 U.S.C. § 102(a) as being anticipated by Claim(s) 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Ehmig U.S. Patent No. 6,286,743 (Ehmig). It is respectfully submitted that Claims 1-3, 5, 6, 8, 13, 14 and 16-18 are patentable over Ehmig, Claims 10, 11, 15 and 19-22 having been indicated as being allowable.

Specifically, Claim 1 recites:

- (i) a breech bottom (8) located opposite the cavity (5) and fixedly secured relative to the housing at a predetermined distance from the housing (1); and
- (ii) a sealing sleeve (12) located in the cavity (5) of the housing (1) and displaceable axially away from the breech bottom (8) for enabling a sidewise feeding of a cartridge (10) for positioning the cartridge between the breech bottom and the sealing sleeve (12) and toward the breech bottom (8) for securing the

cartridge between the breech bottom (8) and the sealing sleeve (12).

As explained in the specification, (page 4, lines 8-18), the rigid connection of the breech bottom (8) permits to absorb high forces produced by ignition of the cartridge, preventing loading of the sensitive parts. The axially displaceable sealing sleeve (12) reliably seals the combustion chamber against environment, while permitting an unobstructed feeding of cartridges through the clearance between the breech bottom and the housing. With only the sealing sleeve being displaceable, the tool drive can be substantially simplified.

A fixedly secured breech bottom is not disclosed or suggested in the prior art, including Ehmig. In Ehmig, which corresponds to DE 199 05 896 discussed in the preamble of the specification, in order to place a cartridge (4) in the cartridge socket (3), the breech block (bottom) (2) is displaceable relative to the housing (1) in the setting direction (column 3, lines 20-24). Further, in Ehmig, the sealing sleeve (9) is located in the breech bottom (block 2) and not in the cavity provided in the housing, as recited in Claim 1. Clearly, Ehmig discloses a structure completely different from that of the present invention.

A rejection based on U.S.C. § 102 as in the present case, requires that the cited reference disclose each and every element covered by the claim. Electro Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766, 1767-68 (Fed. Cir. 1987); Verdegaal Bros., Inc. v. Union Oil Co., 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

In Ehmig, the elements are clearly arranged not as in the claim. Since Ehmig fails to disclose each and every feature of independent Claim 1, Ehmig, as a matter of law, does not anticipate the present invention, as defined by said independent claim.

In view of the above, it is respectfully submitted that Ehmig does not anticipate or make obvious the present invention as defined in Claim 1 and the present invention is patentable over Ehmig.

Claims 2-3, 5, 6, 8, 10-11 and 13-22 depend on Claim 1 and allowable for the same reasons Claim 1 is allowable and further because the specific features recited therein which, when taken alone and/or in combination with features recited in Claim 1 are not disclosed or suggested in the prior art.

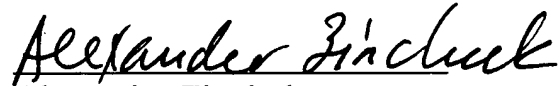
### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,




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This correspondence is being deposited with the United States Postal Service on August 5, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **ER 843 204 759 US** addressed to the Honorable Commissioner for Patents, Alexandria, VA 22313-1450.



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